

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

In the instant Amendment Claim 4 has been canceled without prejudice.

Upon entry of this Amendment, Claims 1, 3, 5-20 are the claims pending in the application. Note, however, Claims 13-15 and 18-20 were previously withdrawn from the Office's consideration. Therefore, Claims 1, 3, 5-12, and 16-17 are presently under consideration.

Instantly Claim 1 has been amended to incorporate the subject matter previously set forth in Claim 4. Applicants respectfully submit no new matter has been added by the present amendment. Support for the amendment can be found generally throughout the text. It should be noted this amendment is not in acquiescence of the Office's position on the allowability of the claims, but made merely to expedite prosecution.

The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Response to Rejections Under 35 U.S.C. 103(a)

Claims 1 and 3-12 and 16-17 stand rejected under 35 U.S.C. 103(a) as purportedly being unpatentable over Hoveyda et al. (hereinafter Hoveyda), WO 02/14376, in view of Muhlebach et al. (hereinafter Muhlebach), U.S. Patent No. 5,854,299.

Claims 1 and 3-12 will be addressed first followed by remarks directed toward the rejections of Claims 16 and 17.

According to Hoveyda, generally, organic polymer catalysts (e.g. organic polymer beads) swell and shrink in different media, which often results in the reduction of catalytic activity. (Page 6, line 3-6) Hoveyda appears to overcome the polymer catalysts of the prior art via the use of transition metal-based monomers and dendrimer ruthenium complexes. As correctly indicated by the Examiner, Hoveyda fails to disclose polymeric compounds containing the Ru complex.

The Office continues to assert that Muhlebach overcomes the deficiencies of the Hoveyda reference through the disclosure of “polymeric compounds containing products of cyclic olefins and ROMP complexes.” (Office Action, Page 3) Moreover, the Office opines that it would have been obvious to modify Hoveyda by introducing cyclic olefins in the presence of the Ru complexes, “[b]ecause one would expect that the use of Ru complexes as taught by Hoveyda would be similarly useful and applicable to the ROMP process in Muhlebach.” (Id., Pg. 4) Applicants respectfully disagree.

While Muhlebach, as best understood, appears to describe cyclic olefins which might be polymerized by metathesis catalysts and that some of these catalysts remain active in the polymer, Muhlebach fails to teach polymeric catalysts.

In contrast to both Hoveyda and Muhlebach stands the present invention, which in one embodiment relates to polymeric compounds and more specifically to polymeric transition metal catalysts. As set forth in illustrative Claim 1, there is claimed, “A polymeric transition metal catalyst comprising: a polymeric compound having a degree of polymerization numerical average value from 6 to 2000 and containing at least one transition metal catalyst....” (Claim 1) Thus the claims as presently amended clearly relate to a polymeric compound as demonstrated by the degree of polymerization claimed therein.

Applicants respectfully submit that since the combined disclosures of Hoveyda and Muhlebach fail to teach or suggest to one skilled in the art, *inter alia*, a polymeric

compound having a numerical average degree of polymerization of 6 to 2000, the presently claimed invention is simply not obvious.

In view of the foregoing, it is respectfully submitted that Claims 1 and 3-12 fully distinguish over the applied art and are thus in condition for immediate allowance. The same is respectfully requested.

Applicants would like to next address the rejections of Claims 16 and 17. Claim 16 is directed toward “[a] polymeric transition metal catalyst precursor comprising a compound of the formula (IV).... .” Claim 17 more specifically defines “A polymeric transition metal catalyst precursor compound comprising: 7-Oxa-2-norborn-2-en-5-ylmethyl 2-isopropoxy-3-ethenylphenyl ether.”

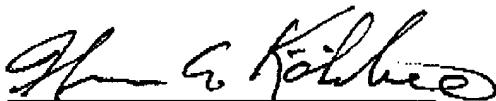
As explained in the Applicants’ disclosure, “The polymeric compounds according to the invention containing structural units of the formulae (Ia) and (Ib) and optionally (Ic) are accessible by a process which is likewise encompassed by the invention. This is a process for preparing polymeric catalysts, which is characterized in that compounds of the formula (IIa) and/or (IIb) ... are reacted] with at least one compound of the formula (IV).... .” (Pages 11-12) Heretofore such precursors have yet to be disclosed and are directed toward novel and allowable subject matter.

Applicants respectfully submit that the combined teachings of Hoveyda and Muhlebach fail to teach or suggest to one skilled in the art the subject matter as set forth in either of Claims 17 or 18. Applicants’ respectfully submit these claims are immediately allowable and therefore the present rejections should be withdrawn at this juncture.

Conclusion

In summary, it is respectfully submitted for the aforementioned reasons that the instant application, including Claims 1, 3, 5-12, and 16-17, is presently in condition for allowance. Notice to the effect is earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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